



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

293. So there might be a valid marriage in this case, although the man's actual intent probably was to induce cohabitation without marriage. See 1 BISHOP, MARRIAGE, DIVORCE, AND SEPARATION, §§ 327, 334. The woman, however, did not consent to get married, for she supposed herself already married to this man. But she did intend to maintain presently and permanently a marital, not an illicit, relation with him. Such consent should be sufficient for a common-law marriage. *Matter of Sheedy*, 189 App. Div. 582, 178 N. Y. Supp. 863. See 1 BISHOP, MARRIAGE, DIVORCE, AND SEPARATION, § 301. The same kind of consent is involved where the marital relation continues after the impediment to a previous invalid marriage is removed, and these are generally held valid common-law marriages. *Erwin v. Nolan*, 217 S. W. (Mo.) 837; *Sims v. Sims*, 85 So. (Miss.) 73. See 27 HARV. L. REV. 378. The question is a practical one and the practical answer of the principal case should prevail over logical refinements.

MASTER AND SERVANT — WORKMEN'S COMPENSATION — ILLEGAL EMPLOYMENT — LIABILITY OF CHARITABLE INSTITUTION. — The plaintiff, a minor, was employed by a hospital. While engaged in certain work in violation of a child labor statute, she was injured through the negligence of her employer in failing to provide safe appliances with which to work. She sought to recover under the Workmen's Compensation Act. *Held*, that she may do so. *Wargo v. State Workmen's Insurance Fund*, 68 Pitt. L. J. 661 (Pa.).

It is generally held that one who is illegally employed is not within the Workmen's Compensation Acts. *Kemp v. Lewis*, [1914] 3 K. B. 543; *Messmer v. Industrial Board*, 282 Ill. 562, 118 N. E. 993. *Id.* *v. Paul & Timmins*, 179 App. Div. 567, 166 N. Y. Supp. 858, *contra*. This rule is followed in Pennsylvania. *Lincoln v. National Tube Co.*, 68 Pitt. L. J. (Pa.) 102. However, the injured person has a remedy at common law, in the ordinary case. *Strafford v. Republic Iron Co.*, 238 Ill. 371, 87 N. E. 358; *Braasch v. Michigan Stove Co.*, 153 Mich. 652, 118 N. W. 366. Hence there is no great injustice in denying compensation. But here the employer was a charitable institution. The older cases allowed no recovery against such an institution for torts, on the ground that the trust property could not be taken to pay a judgment. *Fordyce v. Library Association*, 79 Ark. 550, 96 S. W. 155; *Farrigan v. Pevear*, 193 Mass. 147, 78 N. E. 855. The later authorities, however, hold charitable institutions liable for torts to their employees in the same manner as private employers. *McInerney v. Hospital Association*, 122 Minn. 10, 141 N. W. 837; *Hewett v. Aid Association*, 73 N. H. 556, 64 Atl. 190; *Armendarez v. Hotel Dieu*, 145 S. W. (Tex. Civ. App.) 1030. This seems the better view. See 31 HARV. L. REV. 479. But Pennsylvania has clung to the older doctrine. *Fire Insurance Patrol v. Boyd*, 120 Pa. St. 624, 15 Atl. 553; *Gable v. Sisters of St. Francis*, 227 Pa. St. 254, 75 Atl. 1087. Hence, in the principal case, the plaintiff had no remedy at common law. The court said that, in order to prevent injustice, she would be allowed to recover under the Workmen's Compensation Act, contrary to the usual rule in cases of illegal employment. The result is desirable, although reached in a rather arbitrary way.

MASTER AND SERVANT — WORKMEN'S COMPENSATION ACTS — NEGLIGENT EMPLOYER'S RIGHT TO REIMBURSEMENT FROM TORTFEASOR. — The plaintiff was injured in the course of his employment by the concurring negligence of his employer and the defendant. Compensation was awarded him. The Workmen's Compensation Act provided that when a third person was liable to the employee for the injury the employer should be subrogated to the right of the employee against the third person to the extent of the compensation payable. (7 PURDON'S PA. DIGEST, 13 ed., 7785.) The plaintiff claimed his full damages in the interest of himself and his employer. *Held*, that the defendant is liable